

STATE OF NEW MEXICO)
)
COUNTY OF BERNALILLO) ss.

I, Elizabeth Eller, being duly sworn, depose and state as follows:

1. My name is Elizabeth Eller.
2. I am employed as an Analyst for the Drug Enforcement Administration (DEA).
3. I have worked in this capacity for the DEA since 1998.
4. I am currently assigned to the Albuquerque District Office of the El Paso Field Division.
5. My duties include assisting in the collection of information pursuant to pen register and trap and trace orders, cellular site acquisition orders and wiretap interception orders.
6. I, along with another analyst, was responsible for the collection of such information in the investigation that led to the indictment of defendant.
7. I am familiar with the procedures employed by the DEA during that investigation.
8. The procedures can be summarized as follows:
 - a. The procedure itself can be divided into two categories – the procedure associated with cellular or wireless phones and the procedure utilized by traditional land line telephones.
 - b. For wireless telephones, pen register data was sent from the various cellular or wireless phone companies to our headquarters in Washington D.C., then routed to the Albuquerque District Office on a secure network directly into a pen register program in the Penlink software. Neither I nor any of the Special Agents saw or received any data on cell phones other than through Penlink. There was no other equipment or machine that received

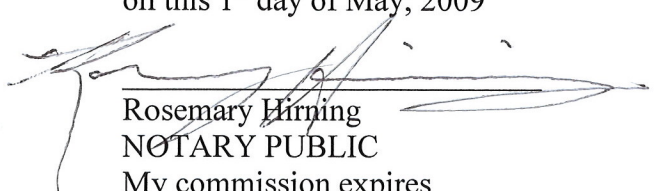
cellular phone pen register data in our office other than Penlink. So the only raw data is what was in Penlink. Technology was available and utilized which restricted the capture of any content.

c. For the land lines, we used a WinHost and Data Collection system from JATOM Systems Inc. A device was placed on the site of the targeted line. We would then access the device through the data collection system. In order to do so, we would dial the device, via modem, and download all pulses captured since the previous download. The data collection system would then create a file for those downloaded pulses. The next step would be to open Penlink, select that newly created file, and autoload it into the system. The records were then able to be accessed through Penlink. No one in our office manipulated data directly from that data collection file. In fact, the file is not even looked at until it is loaded into Penlink. At that time, with respect to traditional hard lines, there was no technology reasonably available to the DEA to restrict the recording or decoding of electronic or other impulses through the dialing, routing, addressing, and signaling information utilized in the processing and transmitting of wire or electronic communications so as not to include the contents of any wire or electronic communications.

d. Generally, once the pen register data was imported into Penlink, frequency reports and calls listings were prepared detailing all of the incoming and outgoing calls associated with each phone line and which were available to the agents for review.


ELIZABETH ELLER

Subscribed to and sworn to before me
on this 1st day of May, 2009


Rosemary Hirning
NOTARY PUBLIC
My commission expires

12-16-2010